

**State of Wisconsin
Wisconsin Elections Commission
201 West Washington Avenue, Second Floor
P.O. Box 7984
Madison WI 53707-7984**

In the Matter of:

Case No.

Dennis Barthenheier
W156 N 5694 Pilgrim Rd.
Menomonee Falls, WI 53051

v.

Verified Complaint

Amy Dishinger
Village Clerk
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051

This complaint is made under Wisconsin Statutes § 5.06.

I, the complainant, for my sworn, written complaint allege the following against the above-named respondent.

Introduction

The number of absentee military ballots cast in Wisconsin has reportedly increased substantially in the last two election cycles: 1,513 military absentee ballots in 2016; 8,403 military absentee ballots in 2020. In this matter, the Respondent sent out a military absentee ballot to a non-qualified voter. Under Wisconsin law, the Respondent's action is an election illegality. Additionally, this administrative complaint raises the significant concern that the Wisconsin Election Commission's [WEC's] on-line military voter absentee ballot application

process is without sufficient security to prevent military absentee ballots being sent to non-qualified voters.

On or about October 25, 2022, the Respondent, Clerk of Menomonee Falls, sent a military absentee ballot purportedly requested by “Holly Adams” to Complainant Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051. On October 27, 2022, Janel Brandtjen received the absentee ballot. But, Janel Brandtjen is not qualified to cast the absentee ballot of Holly Adams. This election illegality which has occurred and the derelict WEC system that enabled it need to be corrected.

Complainant

1. Dennis Barthenheier, a Wisconsin elector, is a resident of Wisconsin, residing at W156 N 5694 Pilgrim Rd., Menomonee Falls WI 53051.

Respondent

2. Amy Dishinger is Village Clerk of the Village of Menomonee Falls, W156 N8480 Pilgrim Road, Menomonee Falls, WI 53051.

Statement of Facts

3. On or about October 25, 2022, the Respondent, Village Clerk of Menomonee Falls, in reliance upon the WEC system, sent the military absentee ballot of “Holly Adams” to Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

4. On October 27, 2022, Janel Brandtjen received the military absentee ballot.

5. But, Janel Brandtjen is not qualified to cast the absentee ballot of Holly Adams.

6. This election illegality and the WEC system which enabled the election illegality must be corrected.

Claim

7. In Wisconsin, any qualified elector of the state who registers may vote by absentee ballot, including military voters. Wis. Stat. §§ 6.20, 6.22.

8. Wisconsin Statutes § 6.22(6) requires the clerks with WEC to keep a military elector list to ensure military absentee ballots are only sent to qualified military voters:

(6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality in the format prescribed by the commission. The list shall contain the name, latest-known military residence and military mailing address of each military elector. The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. 6.34 (1), and has so certified under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior to an election shall be listed and remain on the list for the duration of their tour of duty. The list shall be kept current through all possible means. Each clerk shall exercise reasonable care to avoid duplication of names or listing anyone who is not eligible to vote. Each clerk shall distribute one copy of the list to the each polling place in the municipality for use on election day.

9. The Repondent does not meet the requirements of Wisconsin Statutes § 6.22(6) for current, up-to-date list of eligible military electors.

10. Further, Wisconsin law assigns to the municipal clerk the duty to issue the absentee ballot to the qualified voter, including military voters. Wis. Stat. §§ 6.86, 6.865.

11. Wisconsin Statutes § 6.86(6)(ar) requires that the municipal clerk “not issue and absentee ballot unless the clerk receives a written application therefor from a qualified elector of the municipality.”

12. Wisconsin Statutes § 6.865 (2) and (3) requires, for military absentee ballots, that the municipal clerk “determine that the [military elector] applicant is an elector of this

state and of the ward or election district where the elector seeks to vote” and that an

“alternate address may be used” for mailing the absentee ballot:

(2) A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under s. 6.86 (1) if the form is completed in such manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine that the applicant is an elector of this state and of the ward or election district where the elector seeks to vote.

(3m) A military elector may indicate an alternate address on his or her absentee ballot application.

13. These Wisconsin laws, Wisconsin Statutes §§ 6.22, 6.86, 6.865, require the Respondent to send a military elector’s absentee ballot only to those are qualified to receive one.

14. Absentee voting by military personnel in Wisconsin has reportedly increased substantially in the last two election cycles: 1,513 military voters in 2016; 8,403 military voters in 2020. Every vulnerability to misuse is a concern.

15. These Wisconsin laws protecting the security of military elector absentee balloting have been violated by the Respondent.

16. On or about October 25, 2022, the Respondent, Village Clerk of Menomonee Falls, sent the military absentee ballot of “Holly Adams” to Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

17. Janel Brandtjen is not qualified to cast the absentee ballot of Holly Adams that she received by mail on October 27, 2022.

18. Holly Adams is not qualified to cast a military elector absentee ballot.

19. If the Respondent were complying with the legal requirements of Wisconsin Statutes §§ 6.22, 6.86, 6.865, the Respondent would not have mailed the absentee ballot of Holly Adams, who is not qualified for a military elector absentee ballot, to Janel Brandtjen, who is not Holly Adams and is not qualified for a military elector absentee ballot.

20. The Respondent's election illegalities need to be corrected so that the military elector absentee ballot abuses stop.

Prayer for relief

WHEREFORE, the Complainant respectfully requests the Commission to investigate this matter, declare the legal violation(s) by the Respondent and correct the election illegalities. The Commission should also grant any other relief it deems proper, necessary, or just, consistent with the law and under the circumstances of this case.

: 12-14, 2022



Erick G. Kaardal, No. 1035141
Gregory M. Erickson, No. 1050298
Mohrman, Kaardal & Erickson, P.A.
Counsel for Thomas More Society
150 South Fifth Street, Suite 3100
Minneapolis, MN 55402
Telephone: (612) 341-1074
Facsimile: (612) 341-1076
Email: kaardal@mklaw.com
Email: erickson@mklaw.com
Attorneys for the Complainants

VERIFICATION

I, the Complainant, Dennis Barthenheier, being first duly sworn upon oath, state that I personally read the above verified complaint, and that the above allegations are true and correct based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

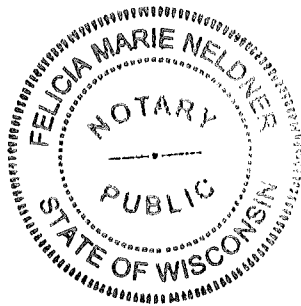
Dated: 12-14 -, 2022

Dennis Barthenheier
Dennis Barthenheier

STATE OF WISCONSIN)
)ss.
COUNTY OF WAUKESHA)

Signed and sworn before me this December 14, 2022, by Dennis Barthenheier

(Seal, if any)



Felicia Marie Neldner
Signature of Notarial Officer

Title (and Rank)

My Commission expires: 2/15/2025